



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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COMMENTS INVITED ON APPLICATION OF X5 SLC LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 14-80
Comp. Pol. File No. 1152

Comments Due: June 12, 2014

Section 214 Application **Applicant: X5 SLC LLC**

On **April 22, 2014**, **X5 SLC LLC** (X5 SLC or Applicant), located at **1301 5th Ave., Suite 2301, Seattle, WA 98101**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue certain domestic telecommunications services in Utah.¹ With an amendment filed on May 27, 2014, X5 SLC corrected certain deficiencies in its initial application and updated the record regarding notice to the Special Assistant for Telecommunications for the Secretary of Defense.² Accordingly, X5 SLC's application is deemed complete as of May 27, 2014.

X5 SLC indicates that it was formed as a subsidiary of its parent corporation, X5 Solutions, Inc., specifically to provide retail non-facilities-based local exchange and interexchange telecommunications services to Utah-based subscribers. X5 SLC explains that, in this capacity, it has provided domestic interexchange and switched exchange access telecommunications services, as well as high speed broadband services, primarily in Salt Lake City, Utah and the surrounding metropolitan areas, and to a limited number of commercial subscribers in other areas of Utah (Affected Areas). X5 SLC states, however, that X5 Solutions, Inc. has made an affirmative business decision to incorporate X5 SLC's operations into its own and to dissolve X5 SLC. According to X5 SLC, it no longer maintains any customers as all of its customers either have been lost through attrition or have transferred to its parent company through direct contact with the customer. X5 SLC states that it originally planned to complete final dissolution of the company on or before May 1, 2014. Applicant indicates, however, that it will be dissolved upon receiving authority from the Federal Communications Commission and the Utah Public Service Commission. X5 SLC submits that it has taken all reasonable action to assure that the proposed discontinuance will not be disruptive to the present or future public convenience and necessity, and

¹ The Competition Policy Division of the Wireline Competition Bureau subsequently received the filed application on April 29, 2014.

² See Letter from Andrew O. Isar, Regulatory Consultant for X5 SLC LLC to Ms. Marlene Dortch, Office of the Secretary, Federal Communications Commission, WC Docket No. 14-80 (filed May 27, 2014).

Applicant maintains that it will not impact former customers or the public. X5 SLC asserts that it is considered non-dominant with respect to the telecommunications services it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, X5 SLC's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies X5 SLC that the grant will not be automatically effective. In its application, X5 SLC indicates that it plans to discontinue services and dissolve the company upon receiving authority from the Federal Communications Commission and the Utah Public Service Commission. Accordingly, pursuant to section 63.71(c) and the terms of X5 SLC's application, absent further Commission action, X5 SLC may discontinue services in the Affected Areas on or after **June 28, 2014**, in accordance with its filed representations. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

Comments objecting to this application must be filed with the Commission on or before **June 12, 2014**. Such comments should refer to **WC Docket No. 14-80 and Comp. Pol. File No. 1152**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules.³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral

³ 47 C.F.R. §§ 1.1200 *et seq.*

ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), Carmell.Weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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